

Compliance Assessment Report CAR_NRW0037696

Permit being assessed: BP0252601

For: LLANELLI WWTW BERWICK ROAD BYNEA, held by DWR CYMRU CYFYNGEDIG

At: LLANELLI WWTW, BERWICK ROAD, BYNEA, LLANELLI, SA14 9SN.

Type of assessment carried out: Report/Data Review, Reason: Other.

On 20/01/2021.

Parts of permit assessed: Operating Techniques

NRW Lead Officer: Alys Jones.

Report sent to: CARS@dwrcymru.com, CAR inbox, on 24/02/2021.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-B1 - Operations - Permitted activities	C3 Minor	2.3.6 (a) and (b)

Result types are explained in more detail in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
WQ-B1	Action #1: In relation to the non-compliances described above we expect the discharge to be brought back into compliance by the 31 December 2021. Please provide NRW with a plan of how the discharge will be brought back into compliance, including any mitigation that will be carried out. ***** Action #2: Please provide regular updates on progress, in particular when significant progress is made or setbacks encountered, until such a point in time that the discharge is brought back into compliance. ***** Action #3: Please collect and collate data on the performance of the PFET plant. Hold this data until such a time that NRW asks for it to be made available to them in the form of a report, should it be required. The report would include: - A list of occasions when a discharge to the storm tanks has occurred without reaching the required flow through the PFET plant along with start / stop times and the flow through the PFET unit when the discharge is occurring. - A list of occasions when a spill from the storm tanks to the environment has occurred without reaching the required flow through the PFET plant along with start / stop times and the flow through the PFET unit when the discharge is occurring. - An analysis of when the inability to pass forward the required flow through the PFET plant has contributed to the	31/12/2021

Criteria	Action needed	Complete by
	occurrence and/or magnitude of a storm spill. The analysis should use rainfall data over the non-compliant period to compare the real spills and volumes with the modelled spills and volumes, had the PFET units met their FFT. ***** Action #4: Please notify NRW of any deterioration in the performance of the PFET plant from the current performance. The standard notification (OPNOT) can be used for this purpose in addition to the updates described in Action #2.	

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Primary subject of Compliance Assessment Report (CAR) – Issues with the New Peak Flow Equivalent Treatment (PFET) resulting in a non-compliance with the water quality discharge permit which became active on the 31/12/2020.

Overview of Llanelli WwTW Flows from 31 December 2020

The first 599 litres/second of flow entering Llanelli WwTW is pumped to primary, secondary (biological) and tertiary (ultra-violet UV) treatment. Flows in excess of 599 l/s up to 1249 l/s are directed to Peak Flow Equivalent Treatment (PFET), followed by UV. Flows from both flow to full treatment (FFT) and PFET are then blended prior to being discharged to Loughor Estuary via a long sea outfall.

The PFET treatment is maintained to facilitate 650 litres/second.

In the event that both the work's 599 l/s FFT and 650 l/s PFET capacity are fully utilised, flows in excess of 1249 l/s entering the works are pumped to Llanelli's 3500m³ storm storage tanks. Storm storage is emptied via gravity and returned to the inlet pumping station as soon as practicable after cessation of overflow to the storm storage.

In the event that the 3500m³ storm storage is full and the inflow to Llanelli remains in excess of the site's treatment capacity (1249 l/s), the storm discharges to the Loughor Estuary sea outfall.

DCWW informed NRW of likely future non-compliance

On the 17/12/2020 DCWW informed NRW that, in the last stages of commissioning, a problem with the specialist plastic media in the new Peak Flow Equivalent Treatment

(PFET) plant had been identified. This would mean the required pass forward flow (PFF) could not be met when the new permit came into force at the end of the month and the discharge would, therefore, not be compliant with certain conditions of the permit.

The reason for the delay in delivery has been investigated and acknowledged by NRW. We accept there is a genuine reason that the coronavirus pandemic has delayed the commissioning process. We also accept that, until the plastic media has been replaced, the PFET will only be able to treat an average additional 500 l/s as opposed to the intended 650 l/s. This, however, still represents an increase in overall treatment (as compared to the situation pre PFET) from 599 l/s to an average of 1099 l/s.

DCWW notified NRW of confirmed non-compliance

On the 16 January & 19 January 2021 DCWW notified NRW of two separate instances when they were unable to convey the permitted pass forward flow of 650 l/s through the PFET plant but were achieving a PFF of 500 l/s through the plant. Whilst the notification did not state the storm tanks were discharging, I understand that a discharge from the storm tanks to the environment did occur at some point during this rainfall event.

I believe these discharges were not compliant with Condition 2.3.6 (a) and (b) of the permit, in that for the discharge(s) specified in table S3.3a:

(a) The discharge shall only occur when and only for as long as the flow passed forward is equal to or greater than the overflow setting indicated due to rainfall and/or snow melt.

(b) Sewage can only go to storm storage if, and for as long as, the flow of sewage is equal to or greater than the storm overflow setting due to rainfall and/or snowmelt.

Offence

These non-compliances are in contravention of Regulation 38 (2) of the Environmental Permitting (England and Wales) Regulations 2016 which states that it is an offence for a person to fail to comply with or to contravene an environmental permit condition.

Please take any Advice and Guidance given in this CAR as formal.

Actions required

Action #1: In relation to the non-compliances described above we expect the discharge to be brought back into compliance by the 31 December 2021. Please provide NRW with a plan of how the discharge will be brought back into compliance, including any mitigation that will be carried out.

Action #2: Please provide regular updates on progress, in particular when significant progress is made or setbacks encountered, until such a point in time that the discharge is brought back into compliance.

Action #3: Please collect and collate data on the performance of the PFET plant. Hold this data until such a time that NRW asks for it to be made available to them in the form of a report, should it be required. The report would include:

- A list of occasions when a discharge to the storm tanks has occurred without

reaching the required flow through the PFET plant along with start / stop times and the flow through the PFET unit when the discharge is occurring.

- A list of occasions when a spill from the storm tanks to the environment has occurred without reaching the required flow through the PFET plant along with start / stop times and the flow through the PFET unit when the discharge is occurring.
- An analysis of when the inability to pass forward the required flow through the PFET plant has contributed to the occurrence and/or magnitude of a storm spill. The analysis should use rainfall data over the non-compliant period to compare the real spills and volumes with the modelled spills and volumes, had the PFET units met their FFT.

Action #4: Please notify NRW of any deterioration in the performance of the PFET plant from the current performance. The standard notification (OPNOT) can be used for this purpose in addition to the updates described in Action #2.

Advisory

PFET has been installed at Llanelli WwTW to reduce the overall, cumulative pollution loading on the Burry Inlet rather than prevent impact from an individual storm sewage spill. As a consequence, we do not expect to be able to measure the impact on the receiving water of any specific spill. It would, therefore, be more appropriate to 'replace' the initial WATPOL for Llanelli (16/01/2021) with an OPNOT.

Thank you.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm to the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of water quality action criteria (used in section 1 and 2):**WQ A: Management**

- WQ-A1 General management

WQ B: Operations

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

WQ C: Emissions and monitoring

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

WQ D: Information

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be

added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.